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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,428

03/31/2004

Paul Buchheit

060963-5007US

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06/26/2008

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EXAMINER

NGUYEN, DUSTIN

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,428

**Applicant(s)**

BUCHHEIT ET AL.

**Examiner**

DUSTIN NGUYEN

**Art Unit**

2154

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 45-58, 61-78 and 81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-58, 61-78 and 81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 05/09/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 45-58, 61-78 and 81 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 45-53, 56-58, 61-64, 67-73, 76-78 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy [ US Patent No 6,330,589 ].

4. As per claim 45, Kennedy discloses the invention as claimed including a method for searching messages in a conversation-based message system [ i.e. managing conversation threads generated from messages communicated in a client-server ] [ Figure 3; Abstract ], comprising:

at a client [ 20, Figure 3; and col 6, lines 31-42 ];

receiving a query from a requestor [ i.e. client transmits a command to retrieve a message ID for a message ] [ Figures 4a and 4b; 505, Figure 8; col 12, lines 49-50; and col 15, lines 65-67 ];

transmitting the query over a network to a conversation management system [ i.e. command is transmitted from the client to the server ] [ 505, Figure 8; and col 20, lines 15-18 ];

receiving from the conversation management system a list of conversations [ i.e. group of messages ] [ Figures 4a-4d; col 10, lines 9-54 ], each of the conversations in the list having a respective conversation identifier [ i.e. message ID ] [ col 9, lines 56-col 10, lines 9 ], and wherein each conversation comprises one or more messages sharing a common set of characteristics that meet first predefined criteria [ col 2, lines 1-12; and col 14, lines 49-62 ];

and

presenting at least a portion of the list of conversations to the requestor [ i.e. present or display conversations ] [ Figures 4a-4d; col 1, lines 48-67; col 10, lines 9-54; and col 2, lines 61-64 ].

5. As per claim 46, Kennedy discloses wherein the conversations are presented to the requestor in an order determined in accordance with second predefined criteria [ i.e. time and date ] [ 325, Figures 6a and 6b; and col 3, lines 30-44 ].
6. As per claim 47, Kennedy discloses wherein the second predefined criteria includes a date/time value of a most recently received message of a respective conversation [ i.e. posted time ] [ Figures 5, 6a, 6b, 7a-7j; and col 12, lines 14-26 ].
7. As per claim 48, Kennedy discloses wherein the second predefined criteria includes a

date/time value of a most recently received message of a respective conversation relevant to the search query [ Figures 5, 6a, 6b, 7a-7j; col 13, lines 66-col 14, lines 12; and col 16, lines 7-23 ].

8. As per claim 49, it is rejected for similar reasons as stated above in claims 45 and 46. Furthermore, Kennedy discloses receiving from the messaging system a plurality of messages, each message having a unique message identifier and belonging to a respective conversation [ i.e. unique-id ] [ Figure 5; col 3, lines 64-67; and col 11, lines 18-22 ]; generating a plurality of conversations [ i.e. group of conversations ] [ Figures 4a-4d; and col 10, lines 9-54 ], each conversation including a respective conversation identifier and unique subset of the plurality of messages; and each conversation being represented as a single item in the list [ i.e. conversation threading structure or tree structure ] [ Figures 4a-4d; col 1, lines 48-67; and col 10, lines 9-54 ].

9. As per claim 50, it is rejected for similar reasons as stated above in claims 45, 46 and 49. Furthermore, Kennedy discloses selecting a list of conversations from the plurality of conversations in accordance with a predefined query [ i.e. select items user desires to read ] [ col 9, lines 10-14; and col 12, lines 36-39 ].

10. As per claim 51, Kennedy discloses wherein the respective conversation identifier is distinct from a subject reference of the message [ Figures 4a-4d; and col 3, lines 30-44 ].

11. As per claim 52, Kennedy discloses wherein the respective conversation identifier is

based in part on information not including a subject reference of the message [ col 11, lines 58-  
col 12, lines 4 ].

12. As per claim 53, Kennedy discloses wherein each conversation comprises messages sharing a common set of characteristics that meet second predefined criteria [ col 10, lines 54-  
col 11, lines 4 ].

13. As per claims 56 and 57, they are rejected as stated above in claims 45 and 46.

14. As per claim 58, it is rejected for similar reasons as stated above in claim 47.

15. As per claims 61-64, they are rejected for similar reasons as stated above in claims 50-53.

16. As per claim 67, it is rejected for similar reasons as stated above in claim 47.

17. As per claims 68 and 69, they are rejected for similar reasons as stated above in claim 45.  
Furthermore, Kennedy discloses at least one message relevant to the query [ Abstract; and col 3,  
lines 30-44 ].

18. As per claims 70-73, they are rejected for similar reasons as stated above in claims 50-53.

19. As per claim 76, it is rejected for similar reasons as stated above in claim 47.

20. As per claim 77, it is rejected for similar reasons as stated above in claim 68.
21. As per claim 78, it is rejected for similar reasons as stated above in claim 46.
22. As per claim 81, it is rejected for similar reasons as stated above in claim 45.

*Claim Rejections - 35 USC § 103*

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 54, 55, 65, 66, 74 and 75 rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy [ US Patent No 6,330,589 ], in view of Douglas E. Comer and Larry L. Peterson, "Conversation-Based Mail" [ hereinafter as Comer ].

25. As per claim 54, Kennedy does not specifically disclose wherein the second predefined criteria include having a close temporal relationship among the unique subset. Comer discloses wherein the second predefined criteria include having a close temporal relationship among the unique subset [ page 8, lines 19-35 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Kennedy and Comer because the

teaching of Comer would enable to provide tools to organizing the message presented to the user, archiving message for future reference, and reducing the volume of messages [ Comer, page 301, paragraphs 4-7 ].

26. As per claim 55, Comer discloses wherein the common set of characteristics include the subject reference of the messages and at least one characteristic of the messages other than the subject reference [ page 3, lines 24-34 ].

27. As per claims 65 and 66, they are rejected for similar reasons as stated above in claims 54 and 55.

28. As per claims 74 and 75, they are rejected for similar reasons as stated above in claims 54 and 55.

29. Applicant's arguments with respect to claims 45-58, 61-78 and 81 have been considered but are moot in view of the new ground(s) of rejection.

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/  
Primary Examiner, Art Unit 2154